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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Reports of States Parties

CROATIA

Report on an exceptional basis*

I. INTRODUCTION

1. The Committee on the Elimination of Discrimination against Women, at its twelfth session, held at Vienna from 18 January to 5 February 1993 decided to request the States of the territory of the former Yugoslavia to submit a report on exceptional basis in respect to the situation of women now coming under their jurisdiction. The present report is submitted in accordance with that decision and constitutes an annex to the initial report of Croatia under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

2. The initial report was prepared in accordance with the guidelines, so that in the present report, which is an annex to the initial report, the protection of human rights and the rights of women is set forth very briefly, and the sufferings during the war are also presented.

* As of the date of submission, the initial report of the Republic of Croatia has not been received.

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II. GENERAL LEGAL FRAMEWORK

3. Croatia became a party to the Convention on the Elimination of All Forms of Discrimination against Women by virtue of succession to the Socialist Federal Republic of Yugoslavia, based on the Constitutional Decision on Sovereignty and Independence of the Republic of Croatia of 25 June 1991 and the Decision of the Croatian Parliament of 8 October 1991. As a successor State of the former Socialist Federal Republic of Yugoslavia, the Republic of Croatia assumed responsibility as a party to a large number of treaties, including the Convention on the Elimination of All Forms of Discrimination against Women by the deposit of the notification of succession on 12 and 22 October 1992. In accordance with international law and international practice, the said succession took effect on 8 October 1991, the day when the Republic of Croatia severed all constitutional and legal connections with the Socialist Federal Republic of Yugoslavia.

4. On the basis of the notification of succession of Croatia and in accordance with article 134 of its Constitution, the Convention became part of the domestic law of Croatia. The legal effect of article 134 is that the provisions of the Convention can be invoked before, and directly enforced by, the courts. Moreover, in the event of a conflict between domestic and international law, the latter shall prevail.

5. One of the fundamental aims of Croatian Government policy is to promote and protect the fundamental freedoms and human rights of all people regardless of race, colour, sex, language, religion, political and other opinion, national and social origin, property, birth, education or social status (article 14 of the Constitution of the Republic of Croatia). Ever since it gained independence, Croatia has expressed its firm commitment to fight against all forms of discrimination. To achieve this goal Croatia has become, by virtue of succession to the Socialist Federal Republic of Yugoslavia, a party to almost all international treaties on human rights adopted in the United Nations, and has incorporated in its legal system widely accepted international standards based on the Universal Declaration of Human Rights and other universal and European human rights instruments.

6. It is important to emphasize that the human rights and fundamental freedoms of all people regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education or social status are protected by the constitution of the Republic of Croatia (article 14 of the Constitution), and as women and men are equal, women are specially protected in cases where there is a need to protect the rights of women in regard to their special position as being female (example: article 64, para. 3 of the Constitution of the Republic of Croatia envisages that "youth, invalid persons and mothers have the right to special protection at work"). The main principle is that human rights and freedoms may be restricted only by law in order to secure the protection of freedoms and rights of other people and of legal order, public morality and health. Even in case of war or immediate danger to the independence and unity of the Republic, or in the event of some natural disaster (article 16 of the Constitution), such possible restriction of human rights and freedoms must not cause inequality of persons based on race,

colour, sex, language, religion, national or social origin (article 17 of the Constitution).

7. Human rights and fundamental freedoms are protected before courts or other competent authorities and the Constitution of Croatia envisages that everyone has the right to appeal, which can in exceptional cases be excluded under the condition that another form of legal protection is ensured (article 18 of the Constitution). According to article 93 of the Constitution, an ombudsman is elected by the House of Representatives of the Parliament of Croatia for a term of eight years, for the protection of the constitutional and legal rights of citizens in proceedings before the Administration and bodies vested with public powers. All laws should be in accordance with the Constitution, and other legal acts in accordance with the Constitution and laws of Croatia. Procedural laws are based on the constitutional principle of the equality of men and women, so that women and men equally enjoy the right to all legal instruments and protection in procedures before courts of justice of other competent authorities. According to article 125 of the Constitution of Croatia, the Constitutional Court is entrusted with the task of protecting constitutional human rights and fundamental freedoms by the constitutional complaint, as a means of protection of individual rights, introduced as legal institution by the Constitutional Act on the Constitutional Court. Furthermore, the Criminal Law of Croatia envisages as a criminal act "violation of equality of citizens" in article 45, paragraph 1, which reads that "if anyone, because of difference in nationality, race, colour, religion, ethnic affiliation, sex, education, social origin or economic status, denies or restricts freedoms and human rights of citizens enforced by the Constitution, law or other rule of law, or based upon such difference gives citizens privileges, he or she shall be punished by prison from three months to five years".

8. It is important to emphasize that in cases for which the Constitution envisages the special need for legal protection of the position of women - rights connected with birth, maternity and care for children (article 56 of the Constitution), rights connected with the family, marriage and relations in extramarital community (article 60), rights to special protection at work (article 64) - relevant laws elaborate such protection and measures for cases of violations of envisaged and enforced rights of women. It could be freely stated that in Croatia no laws or regulations exist by which women are discriminated against. Women in Croatia enjoy human rights and fundamental freedoms equally as men do, and are specially protected in their special position owing to their being female. Such an example is article 47 of the Labour Relations Law, which regulates obligatory maternity leave during pregnancy, birth and child care for an uninterrupted duration of 180 days. The Fundamental Labour Relations Act has expanded this right, so that women workers who are mothers are entitled to use a maternity leave for an uninterrupted duration of 270 days. On the basis of an authorized doctor's report, a woman worker may start her maternity leave 45 days before birth and in any case 28 days before birth. That is just one example of such special protection and it is elaborated in more detail in the initial report.

9. The equality of men and women is, as mentioned above, enforced by the Constitution, e.g., concerning the ability to contract, to own and dispose of property, and the equality before courts. It is important to add that,

according to the Marriage and Family Relations Law, as well as other relevant regulations, there is no difference or distinction between marital and extramarital relationships, just as there is no distinction between a pregnant married woman/mother and a pregnant single woman/mother. The Marriage and Family Relations Law enforces the equal responsibility of a man and a woman in raising children, especially taking care of the interests of a child. The Marriage and Family Relations Law, which regulates the relations in marriage and in the family - relations between children and parents - envisages in article 3 common responsibility in raising children as the main principle of responsibility of a parent, and states clearly, in the part which deals with the right of a parent, i.e. article 63, that the right of a parent belongs to a mother and a father together and parents exercise this right equally and by mutual consent (article 75). There are many more examples which show the equality of a man and a woman in Croatia, such as the equal right to choose a family name, a profession or a job, which are elaborated upon in more detail in the initial report.

10. A woman, equally as a man, enjoys in Croatia all fundamental freedoms and human rights guaranteed by the Constitution of Croatia and as elaborated and protected by laws and regulations, i.e., the right to life; consequently the Constitution abolishes capital punishment; inviolability of personal and political freedoms and rights, inviolability of home, freedom of thought and expression including freedom of speech and freedom of the press, freedom of reporting and access to information (censorship is forbidden), freedom of conscience and religion, protection from arbitrary arrest and guarantee of legal right of the accused, right to a fair trial and to an attorney; there is a presumption of innocence; in case of being illegally deprived of liberty, the condemned is entitled to damages and public apology; the right to free association; the right to take part in the conduct of public affairs and have access to public service; all the citizens of Croatia who have reached the age of 18 are entitled to elect and be elected; the right to ownership, the right to inheritance, social rights, specifically the right to work, free choice of vocation and occupation, equal pay for work of equal value, the right to education and cultural rights, the right to form trade unions and the right to strike. A woman belonging to an ethnic or national minority is protected also as a member of such a group or minority. The rights of ethnic and national minorities are clearly stated and regulated by the Constitution, the Constitutional Law on Human Rights and Freedoms and the Rights of Minorities and the Law on Local Self-government and Administration, whereby national and ethnic minorities and communities have been guaranteed the right to promote their specific culture, customs and tradition and to maintain and preserve their language and literature. There is an active labour movement in Croatia with four national labour federations and unions independent of the Government and political parties. All standard workers' and labour rights, such as the right to strike, the right to organize and bargain collectively, etc., are enjoyed by all workers. Foreign citizens and stateless persons have, under internationally accepted conditions, the right to asylum.

11. It is important to point out that the consequences of the war cannot be foreseen yet. But some of them are extremely grave, especially the impact upon women, i.e., the loss of children and husbands. Women in Croatia who lost their children, husbands, brothers or fathers during the war organized themselves in

order to save and find their closest relatives. Women are organized within different non-governmental organizations.

III. VIOLATION OF HUMAN RIGHTS OF WOMEN AND MASS RAPE

12. In assessing the status of human rights protection in Croatia it is important to emphasize the fact that since 1991 Croatia has been the victim of a brutal Serbian aggression, which has caused enormous human suffering and loss of life, as well as destruction of material and cultural property. Croatia does not control its entire territory, one part is formally controlled by United Nations Protection Force (UNPROFOR) and actually by illegal Serbian paramilitary groups and militias. The human rights situation in the occupied territories is alarming with the non-Serbian population exposed daily to terror, killing, forceful expulsion and ethnic cleansing. Even the Serbian population in these areas is exposed to terror.

13. It is important to draw the attention of the Committee to the violation of human rights of women and the rape in Croatia as a new type of war crime and violation of human rights norms and goals of the Convention. Before 2 April 1992, rape occurred within the occupied parts of Croatia, especially in the present UNPROFOR Sectors East, West and North. The major sites of rape of captured women were private camps held by local Serbian paramilitaries but it is necessary to emphasize that women from the Vukovar area were raped in the Begejci and Stajićevo concentration camps situated in Vojvodina, Serbia (autumn and winter 1991) in which almost 2,000 civilians from the Vukovar area were imprisoned. After 2 April 1992 (i.e., after the outbreak of the war in Bosnia and Herzegovina), mass rape of predominantly Muslim women became a widespread phenomenon in Bosnia and Herzegovina.

14. It is extremely hard to obtain medical documentation of that issue for the following reasons, as reported by the Division of Information and Research of the Ministry of Health of the Republic of Croatia: rape was not systematically reported during the aggression against Croatia and only a small fraction of the cases of mass rape of women in Bosnia and Herzegovina were reported. By 21 December 1993, 40 cases of raped women were recorded with complete medical documentation, as well as an additional 120 cases of raped women with currently incomplete documentation. During the conflict between the Muslims and Croats in autumn 1992, a number of cases of raped Croatian women were registered in the areas caught by the conflict.

15. In contrast to the limited number of cases recorded with complete medical documentation, there are many more written testimonies and survivor eyewitness reports, all clearly indicating that rape is a mass phenomenon and a widespread form of war crime. It is obvious from that documentation that at least several thousand women were exposed to brutal rape and maltreatment. The total number of raped and tortured women is definitely much higher - at least one half of the people detained in camps controlled by the Bosnian Serbian army were women and about one third of them were obviously raped; therefore it could be estimated that the number of raped and tortured women may currently be as high as 10,000. Such an estimate is based on the following data: at least 60,000 people were detained in Serbian camps, half of them women; one third of this figure is about

10,000. According to official sources from Bosnia and Herzegovina, the total number of raped women is even higher: estimates range up to 60,000 raped women.

16. According to the documentation gathered about rape, women victims of rape are Croats and Muslims by nationality, ranging from 6-year-old girls to 80-year-old women. They can be categorized as follows: (a) below 14 years of age, i.e. children; (b) married or unmarried fertile women; and (c) elderly women. It seems that within the occupied parts of Croatia the most frequent victims of rape were girls who were quite young: teenagers or even children who were driven to brothel-camps and treated like slaves.

17. One of the gravest consequences of the war in Croatia and in Bosnia and Herzegovina is the fact that there are 530,000 refugees and displaced persons in Croatia; 22.4 per cent of them are women, 55 per cent children and 13 per cent elderly people. Refugees in Croatia have the right to primary health care free of charge as well as to emergency medical service on all levels.

18. Systematic rape is a specific method of torture which is a means of psychological warfare and ethnic cleansing. Rapes are organized and are used for practical purposes of aggression and capture of territories. Rapes were committed (a) within occupied territories, (b) in detention, and were brutal and committed before a great number of people, very often accompanied by self-willed executions and massacres. The basic scenario is as follows: the Serb Army occupies a village or a city and establishes the so-called "military authorities" which consist of Chetniks which are acquainted with this area and people. These "authorities" make lists of the non-Serb population and mark their houses; men are arrested, beaten up, killed and taken into camps, while the women, who stay in the occupied territories, are raped by either mercenaries or local serbs who are members of various paramilitary formations. Finally, high officials of the Yugoslav Army arrive and permit the frightened people to leave in order to "protect" them. They, of course, accept this offer, since it is the only chance to survive. The consequence of all this is ethnic cleansing. As for rapes in detention, mixed prisoners' camps (in which both men and women are detained) were characteristic of camps in Serbia and the occupied areas of Croatia, while the camps with the most female prisoners are characteristic of camps in Bosnia and Herzegovina.

19. The characteristics of brutal rapes are as follows: (a) women were raped by several perpetrators, physically maltreated, and at the same time forced to fellate and swallow sperm; (b) their immediate family (husband, children, parents) had to watch it, and were very often maimed, stabbed with knives or simply shot; (c) a group of women was captured and raped several times in a row by a great number of perpetrators, and in some cases mothers and daughters were raped at the same time.

20. The consequences of sexual abuse and maltreatment can be as follows: (a) the victim stays alive but with severe psychophysical consequences which are very often further strained by the fact that at the same time one or more members of her family were killed; (b) the victim is killed. Furthermore, some women become pregnant, and there are three kinds of consequences: (a) termination of pregnancy performed at the enemy's side (usually, women have to pay a great amount of money for an abortion); (b) the victim is released

early enough for a legal termination of pregnancy; (c) the woman is kept in detention so long that it is too late for abortion.

21. The Government of the Republic of Croatia has passed the Programme of Protection and Help to all victims of torture and other forms of maltreatment, as well as Basic Actions in providing long-term support and protection for victims of rape and Basic Principles of the Government of the Republic of Croatia for protection and help to women whose pregnancy is a result of rape, and adoption as one of the forms of help. In hospitals and health institutions, 10 children have been born as a consequence of rape so far; 4 mothers are citizens of Croatia and 6 are citizens of Bosnia and Herzegovina. The support of victims of rape appeared as one of the biggest humanitarian problems in Croatia. The estimate of the number of women raped during the war ranges from an average of 10,000 up to 60,000, according to official sources from Bosnia and Herzegovina, and is based on their evidence. The exact number of victims in Croatia is not known yet. It is to be expected that the greatest number of victims went to Croatia, which is the nearest safest territory. The main goal of such a programme of the Croatian Government is to provide medical and psychosocial support to victims of rape to the greatest possible extent. Unfortunately, it is only now that it has become possible to record the most serious consequences of those brutal violations of the rights of women - advanced pregnancies and deliveries of unwanted babies - and it is obvious that this might emerge as a mass phenomenon in the near future. More details about those grave violations of the rights of women, as well as testimonies, can be found in the description of characteristic cases of the Information and Research Division of the Ministry of Health of Croatia (see annex I).

IV. CONCLUDING REMARKS

22. In the Republic of Croatia women are protected de jure et de facto. Croatian legislation is in full compliance with the provisions of the Convention, as can be seen from the initial report. Concerning the present report on an exceptional basis, it is important to refer to paragraphs 7 and 8, 22 and 23, 65 and 69 and 70 of the initial report (see annex II) to obtain a more comprehensive picture of the protection of human rights of women in Croatia.

23. It is necessary to point out that the present report has been prepared on the basis of incomplete data, due to the aforementioned reasons, on the basis of the report of the Information and Research Division of the Ministry of Health of the Republic of Croatia and the Medical Centre for Human Rights of 8 July 1994. Annex I to the present report contains a description of characteristic cases with medical documentation and two testimonies of victims, of August 1993, which illustrate the struggle of the victims of rape during the war.

ANNEX I

Characteristic cases with medical documentation

1. SIL-425: 22-year-old woman from Bugojno, abducted by Yugoslav Army units from the bus on the road from Donji Vakuf to Bugojno on 27 April 1992, together with 5 other girls and 10 young men. Imprisoned with another girl in a private house and repeatedly raped until 10 July 1992. Released through exchange on 1 October 1992. Pregnancy diagnosed and abortion performed in the Sestre Milosrdnice Clinical Hospital in Zagreb on 23 October 1992.

2. SIL-426: 45-year-old woman, raped by Chetniks in the basement of her home in Doboj, in front of her husband and two sons at the beginning of August 1992. Pregnancy diagnosed and abortion performed in the Sestre Milosrdnice Clinical Hospital in Zagreb on 14 November 1992.

3. SIL-427: 31-year-old woman from Foča, detained for 16 days in the Manjača camp together with her 12-year-old daughter and 9-year-old son; both she and her daughter were repeatedly raped and tortured in different ways (medical examination performed in Vrapče Psychiatric Hospital in Zagreb disclosed burns on the thighs of the mother, inflicted by a heated iron).

4. SIL-428: A woman born in 1937, from the village of Bijela Stijena near Pakrac, Croatia. She was escorted by the United Nations Protection Force (UNPROFOR) to the Medical Centre in Pakrac, asking for treatment due to the consequences of her being raped by three Serbian soldiers on 27 December 1991 in the village of Bijela Stijena.

5. SIL-429: A woman born in 1957, from Vlasenica, ex-prisoner from the Manjača camp where she was repeatedly raped. The pregnancy (25 weeks of gestation) was diagnosed at the Gynecology Department of the Clinical Hospital in Rijeka, Croatia.

6. SIL-430: A woman born in 1958, from Bosanski Šamac, where she was repeatedly raped by Serbian soldiers. Admitted to the Department of Gynecology and Obstetrics of the General Hospital in Osijek.

7. SIL-431: Two women from Kotor Varoš, one born in 1971, the other born in 1975; both were detained in the local camp in Kotor Varoš and repeatedly raped, and subsequently released through exchange. The first one was examined at the Medical Centre in Travnik three days after the last rape, while the pregnancy of the second was ascertained in a hospital in Zagreb.

8. SIL-432: A woman born in 1937, divorced, from Borovo Naselje near Vukovar. She was wounded by mortar shall shrapnel in Borovo Naselje on 28 July 1991 and subsequently treated in the Medical Centre in Vukovar (amputation and surgery) and released to her home. After the fall and occupation of Vukovar and Borovo Naselje she was tortured and raped by Serbian soldiers. Finally, she was expelled from Borovo Naselje and arrived in Zagreb. She was admitted to the Vrapče Psychiatric Hospital in Zagreb and treated there from 3 March to 24 April 1992.

9. SIL-438: Two women, refugees from Bosnia and Herzegovina, admitted to the Petrova Gynecology Clinic in Zagreb. The first is a 28-year-old Croatian woman from Doboj, married, with a 2-year-old daughter. After the occupation of Doboj, she was kept imprisoned in her own home and repeatedly raped. She was admitted to the hospital in Zagreb in advanced stages of pregnancy (18 weeks of gestation). The second is a 30-year-old Muslim woman from Goražde, married, with a 10-year-old daughter. Serbian soldiers who occupied a part of Goražde repeatedly raped her in her home. She was later expelled from Goražde and finally arrived in Zagreb. She was admitted to the hospital in advanced stages of pregnancy and therefore it was not possible to perform an abortion.

10. SIL-66: A pregnant woman, a refugee from the village of Cerić near Vinkovci, managed to escape from the camp and came to the Petrova Gynecology Clinic in Zagreb on 22 June 1992. She had been detained 10 months earlier and both physically and psychologically maltreated by scores of criminals. She remembers that her last menstruation period was in December 1991 but she does not remember the exact date. During her pregnancy she was beaten several times, but the pregnancy was normal and she experienced no disturbances.

11. SIL-467: A 24-year-old pregnant woman, from a village near Orašje, Croatian by nationality. She was captured, maltreated and repeatedly raped by scores of Chetniks. She was admitted to the Petrova Gynecology Clinic in Zagreb, where an abortion was performed.

12. SIL-465: A 35-year-old pregnant woman from Prijedor. She was raped by Chetniks in her own home. She was admitted to Sveti Duh Hospital in Zagreb, requesting an abortion.

13. SIL-1314: A Croatian woman born in 1938 in Kočerini, teacher, divorced, living in Mostar, was raped by soldiers of Bosnia and Herzegovina in Mostar on the left side of the Neretva river. Medical documentation has been filed in Mostar Hospital.

Testimony SIL-1091

A Croatian woman born in 1940, Croatian by nationality, lived in Čakovci, municipality of Vukovar, about events when she was raped by a Chetnik at her own house

In September 1991, the Yugoslav National Army (JNA) together with Chetniks arrived at our village. They started to threaten, shoot and capture people, steal and even murder. The majority of the local Serbian residents joined those who had arrived. They wore caps with cockades, some of them wore JNA uniforms, some of them had blue uniforms. Among the Chetniks who were destroying anything that belonged to Croatians were also our Serbian neighbours: Milivoj Durđević, Dragan Šobota, Milan Kovačević, Duško Kovačević, Sreto Katić, Ahmet Alija, Boro Radeka, Zeljko Nikolić, Ivković Radivoj - called "ŠILJO" - and others. They were maltreating, expelling, threatening, beating, raping and killing on a daily basis. They were harshly terrorizing us. All our men who were capable of working were taken to camps. Some of them (Mijo Šoljic, Stipo Faraga, Stipica Falabić) were ordered to go digging up holes for dead cattle. Till

today we do not know anything about them; they are not at the camp and they never returned to their homes. A Serb said that they had ended in those holes they had dug up. We were not allowed to go anywhere. If we stood at our doors, Serbian children threatened with guns that they would kill all of us "Ustashe";

Ivica Prka was among the first who were killed; he was killed by a sniper from a cornfield while he was feeding small dogs in the yard of his house. After him the Chetniks killed Vinko Lučić and his wife Luja. Around midnight the Chetniks took them out of their house and killed them in front of it. I remember that it happened on the tenth day of the month but I do not remember if it was October or November 1991.

I had to bring corn for my pigs (I had six pigs) and I agreed with A. K. (a woman neighbour) that we would go to pick it on her field first and then to mine. When you wanted to go to the field, you had to get written permission which said whom you went with and when you would be back. It was Saturday, I remember, and we wanted to pick enough corn for Sunday. In the night (Friday/Saturday) Chetniks killed at her own house Anica Kovačević and her son Josip Kovačević (10 years old). Anica was killed on a couch and Josip was killed in his bed. The following day, as we were not allowed to move, I watched through my window (my house was near theirs). I saw when the Chetniks arrived with a tractor and a trailer (stolen from my brother). There were two wooden coffins on the trailer. In one of the coffins they put Anica and in the same coffin they also put her son Josip. In another coffin they put Luja and Vinko who had been killed in the same night. Boško Šobota, a Chetnik, drove the tractor. Nobody knows where these corpses were driven or where they were buried.

We Croats had white ribbons at our gates in order to enable Chetniks who were not from our village to recognize us.

Some time later, Ivan Karagić was killed in his yard. He was killed by Miloš Šobota and his son Dragan Šobota. After all this, one day at about 4 p.m. Radivoj Ivković, called Šiljo (about 25 years old), entered my house. He locked the house door and the kitchen door. I cannot say who was outside. He started shouting, then he grabbed me and said: "You are the first one, I'll kill you!" Five times he put a pistol into my mouth and at my chest by saying: "I'll kill you!" Then he tied my hands around my back with some wire. He pushed me on a couch and ordered me to take off my clothes. As I could not do it with my hands tied, he tore it and raped me. Then he said to me: "Stand up now!" As I was afraid, tied and destroyed, I could not do it. Then he searched the whole house; he was allegedly looking for weapons. I had no weapons because my husband had died in 1987 and I had neither heard from nor seen my daughter for one year. As I did not have any pension I worked for years by all these Serbs that did these things to me. I had to do so in order to feed myself and my child. I looked in the direction of the sleeping room and I saw when "Šiljo" took my golden ring and my daughter's gold chain. Then he cursed my Ustasha mother and asked me why I was looking at him. I did not dare to watch him any more so I do not know what else he took. Finally he threatened me that he or somebody else would kill me if I told anybody. He made a record (I had to sign it) that he did not take anything. I remained alone, I cried, I was afraid, I did not know what to do. I could not stay there any more. Later I went to my

neighbour and told him what had happened. I cried. He said: "Don't, it isn't possible. Go to the headquarters and tell them everything, take the wire with which he tied you." I went to my cousin's house because I did not dare to spend the night alone. The following morning, when I was going back, Chetniks asked me where had I been and why was I walking around. I told them that I had been at my cousin's house and that I had to go home in order to feed my cattle. They cursed my Ustasha mother and said that it would not last much longer. I fed my cattle and I took the wire and I went to the headquarters. They wrote down anything I said and said that they would examine everything. I was crying and I was living in fear for days. So I asked my neighbour M. to drive me in Bijeljina in order to find my daughter. He told me that I had to ask for permission and that it would cost a lot of money. I got permission for one day and found another neighbour (a woman) who was looking for her parents and M. drove us to Bijeljina. From there I called my sister in Brčko. When I told her that I was her sister, she said: "Sister, that's you, we heard that you had been killed at your house." I replied: "Sister, that's me, I experienced the most terrible thing but I am alive. Do you know anything about my daughter?" She said that she was in Zagreb.

On the same day I returned to Čakovci because I had permission till 6 p.m. I gave M. two pigs because he had driven me there and back. I stayed for some time and I told M. again that I would like to see my daughter. He told me to ask permission to go to Bosnia in order to find my daughter. When I got it, I left the cattle to neighbours and I left. On 28 February 1992 I came to my daughter in Zagreb. Her husband had worked as an insurance clerk at Vukovar Hospital and since then we have not heard anything about him. When she saw him for the last time, she was four months pregnant and now she has a one-and-half-year old son. She does not know anything about her husband.

I have to admit that Luca Roklicer did a lot of harm to us. She was walking around in a Chetnik uniform, she was stealing from houses, threatening us, beating women and killing. She took from my house anything she wanted. I think that she is guilty of a lot of harm.

By signing each page of this statement I confirm its authenticity and that the statement is given without coercion.

Zagreb, 18 August 1993

Testimony SIL-1314

A Croatian woman born in 1938 in Kočerini, teacher, divorced, lived in Mostar, now a displaced person, about events on the left side of the Neretva river when she was raped by soldiers of Bosnia and Herzegovina

I am living on the left side of the Neretva river. I was there till 20 August 1993. Muslims were living in all houses around me (except the house close to mine which belonged to Croatians but now is occupied by young Muslims called "Lavovi") (Lions). Lavovi had the marks of the Bosnia and Herzegovina

Army. They had "Lavovi" marks even on their cars. On 20 August they slaughtered lambs: two days before they had searched my house on 20 August 1993, at about 2 a.m., they arrived at my door and shouted to open it. When I asked who they were the answer was: "Police". I started to cry and I told them to come back in the morning. However, one of them climbed on the window and I opened the door of my apartment. They ordered me to give the money and the gold and they said to me: "Light the candle". I told them: "Take everything you can find in the house, and matches and candles are on the stove." As soon as they entered they beat me and slapped me. Three of them entered the apartment; two of them entered through the door and one of them entered through the window. When they approached the stove I ran out through the door but in the yard the fourth soldier stopped me and slapped me. Then they left. Ten to 15 minutes after they left, a bomb exploded in front of my house. Then same men came back and kicked the door open and entered the apartment. They were looking for my sisters. While they were searching my house, one of them held my hand. I told them that my sisters might be at my neighbour's house. Then they told me: "If you are lying, we will kill you."

Then they escorted me to a well. There were many refugees and they were coming there in order to obtain water. Then I asked a woman: "Have you seen my sisters?" Two soldiers of the Bosnia and Herzegovina Army held me and two other soldiers had their guns pointed at me. The woman to whom I addressed the question was L. married to a Muslim; she was a widow. There were a lot of people there with her; all of them were Muslims. Then they hit me and I fell to the ground. Two soldiers left and one of them pulled me to a white car. There were three soldiers in the car. One of them had a gun, and two of them wore uniforms. I am not sure if the third soldier wore a uniform or not. They drove me to the Neretva Hotel and there we crossed the Neretva river on a ferry. We arrived at the right side of the river and entered into a cave. There they did terrible things to me and if I had to endure it all over again, I would kill myself. While they were taking me out of my apartment they ripped my clothes; I was without shoes. They ripped my dress near the well, in front of all those Muslims. All of them watched it.

They raped me in the cave; there were two of them. They forced me to swallow their sperm. Both of them raped me. I begged them to stop. It lasted for about half an hour.

From the cave they escorted me to the street where the Bristol Hotel was located. There they slapped me again and they ordered me to walk in the middle of the street. I did so, and I reached the intersection within the Šantićeva Street; there I turned to the right. I walked near houses and started to run. Then they started to run behind me. I reached the Gimnazija and soon after that I encountered a big dog. I called for help. Then I saw a soldier. I called to him, but he did not approach me. He told me to approach them. When I came to them I asked why they had not helped me. They answered that they were afraid of sniper fire. These were the soldiers of the Croatian Defence Council. They gave me food and water but the only thing I asked for was water in order to wash myself. From there they drove me to the police station and then to the hospital.

I gave this statement of my own free will and without coercion, and by signing each page of the statement I confirm its authenticity.

Mostar, 23 August 1993

ANNEX II

Four groups of excerpts from the initial report of Croatia relevant to further the understanding of the report on an exceptional basis

Group one (paragraphs 7 and 8 of the initial report)

7. According to a model established by the Constitution, human rights and freedoms are protected at regular courts and by other competent authorities, with the right to appeal, which may exceptionally be denied if other legal protection is ensured (article 18 of the Constitution). Judicial control of the legality is guaranteed by individual acts of State administration and bodies vested with public powers (article 19 of the Constitution). Individual acts of State administration and bodies vested with public powers must be based on a law which is in compliance with the Constitution, while courts administer justice on the basis of the Constitution and law (article 115 of the Constitution).

Judicial power is autonomous and independent, and the Supreme Court of Croatia ensures uniform application of laws and equality of citizens (article 116 of the Constitution). The Supreme Court secures a uniform interpretation of the extent of human rights and freedoms and thus guarantees the legal security of citizens.

An ombudsman, as a commissioner of the Croatian Parliament, protects the constitutional and legal rights of citizens in proceedings before government administration and bodies vested with public powers (article 93 of the Constitution).

According to article 125 of the Constitution, the Constitutional Court of the Republic of Croatia has, among other things, the task of protecting the constitutional rights and freedoms of man and citizens.

This concept of a highly developed institutionalized protection can make human rights and freedoms and the equality of rights of women and men a legally achievable category, the implementation of which is secured as set forth in part 2.3.

8. According to article 5 of the Constitution, as mentioned above, laws must conform with the Constitution and other regulations with the Constitution and law, in order to secure the constitutionality of law and the coherent legal protection of citizens.

Legal systems of procedural law are based on the equality of rights of men and women. Men and women are equally entitled to all legal expedients in proceedings before courts and other competent authorities.

The Constitution provides for the special financial and legal protection of women and their rights in connection with childbirth, maternity and child care (article 56), rights in connection with family, marriage and common-law marriage (article 61) and the above-mentioned right to special protection at work

(article 64). Relevant laws provide for this protection as well as measures of repression in case of unlawful violation of the rights guaranteed to women.

A subsidiary type of protection is criminal-law protection. The provision of article 45, paragraph 1, of the Criminal Law of the Republic of Croatia defines the violation of the equality of rights of citizens as an independent criminal offence of a general nature. This offence is given when "someone denies or restricts a right or freedom of man and citizen guaranteed by the Constitution, law, a regulation or by-law, on the basis of a difference in nationality, race, colour, religion, ethnic origin, sex, education, social position, social origin or property, or when someone gives privileges or benefits to citizens on the basis of these differences." For this offence a prison sentence of three months to five years is provided.

Chapter IX of the current Criminal Law of the Republic of Croatia from 1977, entitled "Criminal Acts against Human Dignity and Morality", contains provisions in which woman is mentioned as an object of the protection of her sexual and physical integrity. These criminal provisions read as follows:

Rape (article 79 of the Criminal Law of the Republic of Croatia)

(Para. 1) If someone forces a woman with whom he does not live in marriage to have sexual intercourse by the use of force or the threat of attack on her life or body or the life or body of a person close to her, he shall be punished by a one- to 10-year prison sentence.

(Para. 2) If the act referred to in paragraph 1 of this article has resulted in the serious bodily injury or death of the woman, if the rape was performed by several persons, or if the act was extremely cruel or humiliating, the perpetrator shall be punished by at least three years of prison.

The victim of this criminal act is a woman who has attained 14 years, as sexual intercourse with a child is criminalized separately in article 83 of the Criminal Law of the Republic of Croatia.

Sexual intercourse with a helpless person (article 80 of the Criminal Law of the Republic of Croatia

(Para. 1) If someone has sexual intercourse with a woman with whom he does not live in marriage by abusing her mental disease, temporary mental disorder, mental retardation, weakness or any other condition rendering the woman unable to resist, he shall be given a three-month to five-year prison sentence.

(Para. 2) If the act referred to in paragraph 1 of this article has resulted in the serious bodily injury or death of the woman, if the rape was performed by several persons, or if the act was extremely cruel or humiliating, the perpetrator shall be punished by at least a one-year prison sentence.

Coercion to sexual intercourse (article 81 of the Criminal Law of the Republic of Croatia)

If someone forces a woman with whom he does not live in marriage to have sexual intercourse by threatening to reveal something about her or a person close to her which could harm their honour or reputation or by some other serious threat, he shall be given a six-month to five-year prison sentence.

Sexual intercourse by the abuse of office (article 82 of the Criminal Law of the Republic of Croatia)

(Para. 1) If someone by the abuse of office forces a woman dependent upon him owing to her poverty or other difficult circumstances to sexual intercourse, he shall be given a three-month to three-year prison sentence.

(Para. 2) A teacher, parent, adopter, guardian, stepfather, etc., who abuses his position or relationship to have sexual intercourse with a juvenile person older than 14 years assigned to him for tuition, upbringing, care or nursing, shall be given a six-month to five-year prison sentence.

In other words, the provision of paragraph 2 of this article protects a juvenile female person who has not attained the age of 18.

Sexual misconduct (article 85 of the Criminal Law of the Republic of Croatia)

(Para. 1) If a person in a case described in articles 79 through 82 of the Criminal Law of the Republic of Croatia commits only a sexual misconduct, he shall be given a three-month to five-year prison sentence.

(Para. 3) If the act referred to in paragraph 1 of this article was extremely cruel or humiliating, the perpetrator shall be punished by a one- to 10-year prison sentence.

According to statistics available to the Public Attorney's Office of the Republic of Croatia, in 1993 69 persons were reported for the criminal act of rape under article 79 of the Criminal Law of the Republic of Croatia; 51 persons were accused and 41 sentenced. Against 40 persons a non-suspended prison sentence was pronounced, while a suspended sentence was pronounced against only one person.

Twenty-nine persons were reported, 28 accused and 18 sentenced for the criminal act of attempted rape under article 79 of the Criminal Law of the Republic of Croatia. Against 30 persons a non-suspended prison sentence was pronounced, while a suspended sentence was pronounced against 5 persons.

For the criminal act of sexual intercourse by the abuse of office under article 82 of the Criminal Law of the Republic of Croatia, only 3 persons were reported in Croatia, 2 were accused and 2 sentenced, one to a suspended prison sentence and one to a non-suspended sentence.

Thirty-eight persons were reported, 28 accused and 17 sentenced for the criminal act of sexual misconduct under article 85 of the Criminal Law of the Republic of Croatia. In 10 cases a non-conditional prison sentence was pronounced and in 7 cases a conditional one.

It must be stressed that although other provisions of the Criminal Law of the Republic of Croatia do not directly mention women as the object of protection, they apply to both sexes equally. This refers particularly to criminal acts against life and body (chap. V), against rights and freedoms of man and citizen (chap. VI), those relating to labour relations (chap. VII), those against honour and reputation (chap. VIII) and against marriage, family and youth (chap. X).

Group two (paragraphs 22 and 23 of the initial report)

Article 6

22. Article 89, chapter 9 ("Criminal Acts against Human Dignity and Morality") of the Criminal Law of the Republic of Croatia regulates the criminal act of procurement. It prescribes a three-month to three-year prison sentence for this act, which is imposed if a person procures an under-age person, if he or she procures women for remuneration or enables sexual intercourse for remuneration.

Article 120 of the Basic Criminal Law of the Republic of Croatia stipulates that if someone forces civilians into prostitution during war, an armed conflict or occupation, he or she is considered guilty of a war crime against the civil population and shall be punished with a five- to 20-year prison sentence.

Article 134 of the above-mentioned law specifies the criminal act of enslavement and transport in slaves. It is involved if someone puts a person into a condition of slavery or analogous to slavery, keeps a person in such a condition, buys, sells or delivers a person to another person, mediates in the purchase, sale or delivery of a person to another person or incites a person to sell his or her freedom or the freedom of a person he or she supports or cares for.

23. The Ministry of Internal Affairs of the Republic of Croatia takes permanent measures and actions with the aim of combating criminal acts of the trade in White slaves, mediation in prostitution, procurement, vagrancy, etc.

In 1992, criminal charges were brought against two persons for mediation in prostitution. Six criminal charges were brought against seven persons for procurement.

In the first three quarters of 1993, six criminal charges were brought against nine persons for mediation in prostitution, and five criminal charges against three persons for procurement.

Other, large-scale activities are performed in order to suppress this type of criminal acts.

In the Republic of Croatia, prostitution itself is not considered a criminal act, but an offence under the Law on Offences against Public Peace and Order. This Law provides for a fine or a prison sentence of up to 30 days for this offence (article 12). A person who allows prostitution on his or her premises or enables or promotes prostitution in any other way is liable to punishment (article 7 of the above-mentioned Law).

In Croatia, 213 citations were issued against 215 persons for prostitution in 1992, and 183 citations against 188 persons in the first two quarters of 1993.

Group three (paragraph 65 of the initial report)

Analysing the first-time visits we can see that 52.1 per cent of pregnant women visited a counselling centre by the time they were three months' pregnant, 31.9 per cent in the second and 16.0 per cent in the last trimester of their pregnancy. A similar distribution of first-time visits has been recorded for a number of years now, and we must add that, deplorably, about one sixth of all pregnant women visit a counselling centre for the first time in the last few months of their pregnancy.

The number of visits to the family planning centres differs substantially from one municipality to another, the national average being 8.1 visits per 100 women in their reproductive age (8.2 per 100 in 1991, and 12.7 in 1990).

Community health nurses' visits to pregnant women, enabling the medical staff to gain insight into the social circumstances and sanitary conditions of a pregnant woman and educate her on relevant motherhood matters, are seldom made in our country (only 17,997 visits to pregnant women and 85,094 visits to lying-in women). The record shows even fewer visits to women lying-in after the abortion (1,173) or for other reasons specifically connected with women's health care (17,377).

In 1992, 363,752 diseases and maladies were recorded by the primary health care gynaecologists. As in previous years, the diseases of the genito-urinary system head the list (59.8 per cent). Among them, irregularities in the menstrual cycle (23.8 per cent), vaginitis and vulvovaginitis (22.7 per cent), menopause and post-menopausal disorders (8 per cent) were the most frequent, respectively. The second on the list are infectious and parasitic diseases (17.8 per cent), of which candidiasis (47.9 per cent) and urogenital trichomoniasis (42.4 per cent) were the most frequent, respectively. The third are complications in pregnancy, childbirth and lying-in (16 per cent), with disturbances of foetal growth and development ending in miscarriage, impending labour, premature inception of childbirth, prolonged pregnancy and bleeding during pregnancy being prevalent among them.

Neoplasms of the female genitals account for 2.7 per cent of diagnosed maladies. Myomas were prevalent among them (54.8 per cent), followed by benign ovary neoplasms (19.1 per cent) and malignant cervix neoplasms (6.3 per cent). Early discovery of such malignancies, which can be successfully treated at their initial stage (carcinoma in situ), is attributed to women's health care services

which have substantially contributed to the reduction of the number of death and disablement cases owing to these malignancies over the last 10 years.

65. According to reports on childbirths in 26 maternity hospitals and 11 outside-hospital maternity units in Croatia, 46,073 children were born in 1992, of whom 42,233 were to mothers with permanent residence in Croatia, and 3,840 to mothers having permanent residence outside Croatia.

The total number of children born in Croatian institutions, regardless of the permanent residence of the mother, was 6.5 per cent less than in the previous year. On the basis of the reports submitted by medical institutions in the previous year, the lack of data from the temporarily occupied territories and the decreased number of childbirths are the reasons for the 14.3 per cent decrease in the total number of newborns to mothers who are residents of Croatia.

According to the data from the Croatian Bureau of Statistics, in 1992 there were 46,970 live births, which is 9.4 per cent less than in the previous year. The total number of newborns was 47,231, or 10.6 per cent more than the number reported by medical institutions. The discrepancy between our data and the data of the Croatian Bureau of Statistics is attributable to the fact that a certain number of children have been born outside Croatia and also that there are some imperfections in reporting by some medical institutions.

The inability of some medical institutions to function due to damage caused by war activities, the inability of displaced persons to return to their homes and the presence of refugees from Bosnia and Herzegovina have all contributed to the situation wherein in 1991 and 1992 some medical institutions were under much greater strain than before. The greatest number of children were born in medical institutions in the City of Zagreb - 12,849 to mothers with permanent residence in Croatia and, according to the reports submitted, 839 to mothers with permanent residence outside Croatia - followed by the Split Clinical Hospital with 5,033 newborns to mothers from Croatia and 1,191 to mothers with permanent residence outside Croatia, and the Rijeka Clinical Hospital with 2,746 newborns to mothers who are residents of Croatia and 174 newborns to mothers who have permanent residence outside Croatia.

Some outside-hospital maternity institutions are doubly strained (owing to the presence of child-bearing women who are refugees from Bosnia and Herzegovina), e.g., the Makarska Medical Centre (300 newborns to mothers from Croatia and 343 newborns to mothers from Bosnia and Herzegovina), the Metković Medical Centre (245 newborns to mothers from Croatia and 287 newborns to mothers from outside Croatia) and the Imotski Medical Centre (268 newborns to mothers from Croatia and 174 to mothers from outside Croatia).

Since this is an emergency situation that does not influence so much the population trends in Croatia as the volume and efficiency of work of medical institutions, from this year on only childbirths by mothers with permanent residence in Croatia will be analysed.

In 1992, Croatian maternity hospitals recorded 41,759 childbirths, of which 42,009 have live births, 224 stillbirths (5.3 per 1,000 of the total number of

newborns), 102 newborns who died (2.42 per 1,000 live births). The ratio of sexes among the live births is about 107 males to 100 females. The mortality rate was 5.33 (in 1991 - 5.29). The highest mortality rate was recorded in the Karlovac Medical Centre (22 38 stillbirths per 1,000 live births) and the Kutina Medical Centre (17.85 stillbirths per 1,000 live births), while the lowest rate was recorded in the Našice Medical Centre (2.06 per 1,000) and the Zadar Medical Centre (2.18 per 1,000). Newborns who died made up 0.24 per cent. The highest number of newborns who died was recorded in the Zadar Medical Centre (12.31 per 1,000) and the Varazdin Medical Centre (6.02 per 1,000), while the lowest number was recorded in the Pula Medical Centre (0.65 per 1,000) and the Koprivnica Medical Centre (0.80 per 1,000).

A comparison of the data from the past 10 years shows that the lowest number of childbirths was registered in 1992, about 20 per cent less than in 1983. In a comparison of childbirths by women with permanent residence in Croatia alone, there were 29 per cent fewer childbirths than in 1983. Among them, most are firstborns (39.78 per cent) and second childbirths (37.46 per cent). During the last three years, an increase can also be noted in the number of women having babies for the third and fourth time (table 3)*.

In the past 10 years, the number of women who gave birth without previously having had an abortion has been continually increasing (69.43 per cent), while the number of women who have had one or more terminations of pregnancy has decreased. Child-bearing women who previously have had several abortions make up a very small proportion (11.91 per cent) of the total number of child-bearing women.

The table* showing the age of child-bearing women shows the number of child-bearing women with complications during pregnancy and the percentage of complications according to age group. Most complications have occurred within the age groups 20 to 29 and 30 to 39, which is to be expected since 66.42 per cent of live births are by mothers aged 20 to 29, and 25.87 per cent by mothers aged 30 to 39. However, an analysis of the number of complications vs. the total number of childbirths in each age group shows that most complications have occurred within the age group 40 to 44 (9.28 per cent), followed by the groups 30 to 39 (6.03 per cent), 16 to 19 (5.19 per cent) and 20 to 29 (5.07 per cent). Complications suffered by women of unknown age make up 4.50 per cent, while those occurring with women under 15 make up 3.13 per cent. Out of 2,244 complications, the most common are hypertensions of various levels, from benign essential hypertension to EPH gestosis, followed by "other complications during pregnancy" (International Medical Classification Code (IMCC) 646), predominantly unregistered complications and "other foetal and placental problems which influence the treatment of the mother" (IMCC 656), predominantly Rh isoimmunization.

In the past 10 years, complications during childbirth have occurred in about 30 per cent of the total number of childbirths, most common being episiotomy (42.6 per cent of all complications) and Caesarean section

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* The tables are contained in the complete initial report but are not shown in these extracts.

(18.8 per cent). Of the total number of women who experience complications during childbirth, 67.05 per cent are aged 20 to 29 while 24.33 per cent are aged 30 to 39. Compared with the total number of childbirths by women in certain age groups, most complications occur within the age group of 46 to 49 (59.1 per cent) and the age group of 16 to 19 (36.3 per cent). The greatest number of Caesarean sections, according to the number of childbirths of women of certain ages, were performed on older women (13.6 per cent on women aged 45 to 49 and 13.2 per cent on women aged 40 to 44).

Complications during confinement are less frequent than other complications concerning maternity. There were 149 of them, anaemias being most frequent. Taking into consideration all the complications in confinement, they are most common among women aged 20 to 29 and 30 to 39. However, when analysing them according to the age of the mother, the picture is slightly different. Most complications occur with lying-in women aged 40 to 44 (1.01 per cent).

Most pregnant women experiencing complications during pregnancy give birth to the child at term (82.04 per cent), while 15.46 per cent give birth prematurely, and 1.34 per cent have a prolonged pregnancy, while for 1.16 per cent there are no data on the duration of pregnancy.

Most women who experience complications during childbirth give birth at term (91.17 per cent), 7.80 per cent prematurely, 0.56 per cent have a prolonged pregnancy, while for 0.47 per cent no data are available.

Most children born live weigh between 3,000 and 3,499 grams (16,040 children or 38.18 per cent) at childbirth, followed by those weighing between 3,500 and 3,999 grams (11,825 children or 28.15 per cent); 2,604 children, or 6.20 per cent, weigh less than 2,500 grams. Most children with "ideal" weight (3,000-3,499 grams) were born to mothers aged 20 to 29. Children who weigh less than 2,500 grams at childbirth are more frequently born to older mothers or very young mothers, as compared with the total number of childbirths in those age groups.

In 1992, 21.26 per cent of children born live with some kind of pathological conditions at childbirth were registered. The ratio of females to males in this group is 1 to 1.46. Of the total number of children born with pathological conditions, most children were born to mothers aged 20 to 29 and 30 to 39. However, taking into account all newborns according to the age of the mother, most children with pathological changes were born to mothers over 50 (72.43 per cent), mothers aged 45 to 50 (43.48 per cent) and 40 to 44 (30.08 per cent) (table 11)*. The most commonly diagnosed pathological condition is "heavy for dates of birth" followed by prematurity and "small for dates of birth".

Out of 102 newborns who died, 44 were female and 58 male (1:1.31). More than half of those who died were prematurely born babies (42.16 per cent) and extremely non-mature newborns (15.69 per cent) (IMCC 765.1 - prematurity, and

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* The tables are contained in the complete initial report but are not shown in these extracts.

IMCC 765.0 - extreme non-maturity). The proportion of the newborns who died, of the total number of the newborns according to the age of mother, is less than 0.5 per cent in all age groups, except with mothers over 50 (14.29 per cent) or under 15 (3.13 per cent).

Out of 41,759 childbirths, 41,293 (98.89 per cent) were simple childbirths. Of all multiple childbirths, twins were born in 459 cases (1.10 per cent), triplets in 6 cases (0.01 per cent) and quadruplets in 1 case (0.002 per cent). Of every 1,000 simple childbirths there were 11.12 multiple childbirths. Twins make up 2.10 per cent of the total number of live births and 16.96 per cent of the total number of stillbirths. However, mortality for simple childbirths is 4.5 per 1,000 live births and 43.18 per 1,000 of live births for twins.

In 1990, the average life expectancy for women was 77.5 years, and for men, 67 years.

Group four (paragraphs 69 and 70 of the initial report)

69. According to the available data, the total number of terminations of pregnancy registered in medical institutions of Croatia was growing up to 1987, but has been on the decline since that year.

The largest number of terminations of pregnancy are performed legally. Their share was 75.1 per cent in 1992. Since 1985, when it was 92 per cent, the number is on the decline. It was 82.7 per cent in 1991. Since 1979 the number of abortions has declined by nearly 40 per cent (index: 1979 = 100; 1992 = 59). The number of legal abortions has been on the decline for several years, which is also illustrated by the number of abortions per 100 child-bearing women: 81 in 1979 vs. 63 in 1992.

The total number of terminations of pregnancy in the period under observation has almost equalled the number of live births (0.7-0.9 abortions per one live birth), while the number of legally performed terminations of pregnancy amounted to 0.56 to 0.8 per one live birth. The registered share of miscarriages (IMCC 634) between 1979 and 1992 grew threefold, from 4.4 per cent to 13.4 per cent. In the last few years more than 4,600 miscarriages have been reported. Other terminations of pregnancy, related to pathological conditions, have increased significantly, from 3 per cent in 1979 to 11.5 per cent in 1992.

The structure of registered terminations of pregnancy has changed in the past 12 years. The share of registered abortions related to pathological conditions at the early stage of pregnancy has grown significantly. Their number increased from 3,576 in 1979 to 8,683 in 1992 (index 243 per cent). Almost one half (about 49 per cent) of legal abortions were performed on women in the most fertile age. The share of this age group has somewhat declined in the observed period (from 52.3 per cent to 44.7 per cent). The table* showing legally performed abortions indicates that the biggest share is that of the women aged 20 to 29 (44.7 per cent). The share of women aged 30 to 39

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* The tables are contained in the complete initial report but are not shown in these extracts.

undergoing legally performed abortions is on the increase (from 34.5 per cent to 42.7 per cent). The share of women under 19 in the total number of legally performed abortions is 3.3 per cent, i.e., a decrease in both the absolute and the relative number of very young girls. There have been seven cases of abortions among girls under 14.

The reported data for 1992 were relatively accurate, because the share of women of unknown age was only 0.87 per cent, in comparison with 6.32 in 1990; 37.2 per cent of the women who terminated their pregnancy in 1992 had two children, and 23.4 per cent had one child.

In 1981, the recorded number of women without children who terminated their pregnancy was 10,072, or 18 per cent of the total number of terminations of pregnancy. This number declined to 4,559 (13.1 per cent) in 1992.

The war year, 1991, saw an increase in the share of women without children who decided to terminate their pregnancy (23.9 per cent, in comparison with 15.2 per cent in 1990 and 13.1 per cent in 1992).

In 1981 the recorded number of women who stated that they were terminating their pregnancy for the first time was 22,469, or 40 per cent of the total number of women who terminated their pregnancy. After a decline to 34.5 per cent in 1990, this share increased again in 1992 (to 40.8 per cent).

Women who had an abortion were also classified according to their marital status. Of the women who had an abortion, 26,725 (76.5 per cent) were married and 2,725 (7.8 per cent) were not, while the marital status of 5,456 women (15.6 per cent) was unknown. There were seven terminations of pregnancy among girls under 14, of whom six were not married while the marital status of one was unknown.

In case of the violation of the provisions of the above-mentioned law, penalties are imposed upon medical institutions, i.e., responsible persons in medical institutions, if terminations of pregnancies are performed where they are not authorized, if the institution that gathers medical statistics on terminations of pregnancies is not informed or if the termination of pregnancy is completed, contrary to the provisions of the law, and is not immediately reported to the authorized body (articles 42-44).

The Sisters of Mercy Clinical Hospital, in Zagreb, decided not to perform terminations of pregnancies except in cases of necessary medical interventions, by Decision 4561/91 of 5 November 1991. The Ministry of Health declared the decision of the Head of the Sisters of Mercy Clinical Hospital null and void by Decision UP/II-543-03/91-01/01 of 30 December 1991.

In regard to article 17 of the law stipulating that terminations of pregnancies can be performed in hospitals with obstetrics and gynaecology wards, such a decision should not have been passed because it limited the rights of women guaranteed to them by the Law.

By Decision Class UP/I-023-08/92-01/01 of 17 April 1992, the Ministry of Health revoked Decision 01-3360/83 of 6 June 1983, which authorized the Sesvete

Medical Centre to perform terminations of pregnancy. The reason for this is that it was suggested by the Executive Council of the Zagreb City Assembly, Sesvete Regional Office, and in that way the Sesvete Medical Centre was made equivalent to all the other medical centres in the City of Zagreb.

In particular, terminations of pregnancies are performed in hospitals that have an organized obstetrics and gynaecology ward as well as in other medical institutions authorized by the Minister of Health (article 17).

Since medical centres have been issued decisions which allow them to perform terminations of pregnancies only if they are located 50 kilometres or more from the nearest hospital, which is not the case with the Sesvete Medical Centre, the above-mentioned decision had to be revoked. The rights of women were not violated by this act since the gynaecologist continued to work there. This case is before the Administrative Court of the Republic of Croatia. The civil suit was filed by Women's Help Now, a women's organization, and SOS for Women and Children Victims of Violence.

The Administrative Court of the Republic of Croatia has dismissed the suit by Decision US-1806/92-3 of 26 April 1993, because the plaintiffs did not have the power to act.

70. Artificial insemination can be performed: (a) by the husband's semen (homologous insemination); (b) by other men's semen (heterologous insemination). In case of heterologous insemination, the semen donor is not allowed to know for which woman his semen is to be used and the artificially inseminated woman is not allowed to know who is the donor of the semen.

In Croatia, 54 children were born by homologous insemination in 1991, and 78 in 1992. Eighteen children were born by heterologous insemination in 1992, and none in 1991.